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OUR FILE NO.
21011-100-63
1798-101-63

July 10, 2000

Magalie R. Salas, Secretary
Federal Communications Commission
445 12th Street, SW, Room TW-A325
Washington, DC 20554

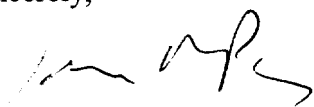
RE: MM Docket No. 00-88
RM - 9871
Dillsboro, NC

Dear Ms. Salas:

Transmitted herewith, on behalf of Chase Broadcasting, Inc., are an original and four copies of its **COMMENTS AND COUNTERPROPOSAL OF CHASE BROADCASTING, INC.**, in the above-referenced rulemaking.

If further information is required regarding this matter, kindly communicate directly with this office.

Sincerely,


John M. Pelkey

Enclosures (5)
JMP/blr

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of:

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations

Dillsboro, North Carolina

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

MM Doc. No. 00-88
RM - 9871

**COMMENTS AND COUNTERPROPOSAL
OF CHASE BROADCASTING, INC.**

By *Notice of Proposed Rule Making* ("NPRM") released May 19, 2000, the Commission proposed the allotment of Channel 237A to Dillsboro, North Carolina, as that community's first local aural service. This *NPRM* was issued in response to a Petition for Rule Making filed by Sutton Radiocasting Corporation ("SRC"). The Commission established July 10, 2000, as the date for the submission of comments with respect to the proposed allocation. Chase Broadcasting, Inc. ("Chase") hereby provides its comments with respect to the proposed allocation at Dillsboro. As will be explained below, the allocation of Channel 237A to Rosman, North Carolina, rather than to Dillsboro, North Carolina, would better serve the public interest inasmuch as it would better fulfill the Commission's allotment priorities and, as a result, Chase is hereby proposing that, rather than allocating Channel 237A to Dillsboro, the Commission instead

allocate Channel 237A to Rosman. In support of this Counterproposal, Chase states as follows:

SRC's proposed Dillsboro allocation would provide Dillsboro with its first local transmission service. As the Commission noted in the *NPRM*, Dillsboro is a community of 95 people. From the proposed reference coordinates and at the height and power permitted for maximum Class A facilities, SRC's proposed allocation to Dillsboro would permit 60 dbu service to 48,868 persons over an area of 2868.46 square kilometers.¹

The allocation of Channel 237A to Rosman, North Carolina, would permit first local service to Rosman, which is a community of 385 persons. In addition, as is demonstrated in the attached Engineering Statement, 53,720 persons reside within the 60 dbu contour of the proposed Rosman facility operating from the proposed reference coordinates. As is also demonstrated in the attached Engineering Statement, allocation of Channel 237A to Rosman can be accomplished in keeping with the Commission's spacing requirements through the imposition of a 17.8 km site restriction. From those reference requirements, the proposed facility would provide a city-grade signal over Rosman.

In comparing allocation proposals, the Commission seeks to fulfill four allotment priorities: (1) first full time aural service; (2) second full time aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2nd 88, 92 (1982). Applying those criteria to the present case, it is apparent that the allocation of Channel 237A to Rosman is to be preferred over the allocation of that Channel to

¹ See attached Engineering Statement of Bromo Communications, Inc. ("Engineering Statement").

Dillsboro. Specifically, Rosman, with a population of 385 persons, is larger than Dillsboro, which only has a population of 95 persons. In addition, allocation of Channel 237A to Rosman would permit service to nearly 5000 more people than would allocation of the same channel to Dillsboro.²

Moreover, it is incontrovertible that Rosman is a community deserving of first local transmission service. Not only does Rosman have a population of 385 persons, it is also a recognized community with a government comprised of a mayor and city council. The mayor is Johnny Rogers. Rosman has its own businesses including Joice Young Realty, D.H. Galloway Auto Parts and Convenience Store, Red Lion Inn (bed and breakfast), Jarrett's Store (grocery and gas station), Becky's Cafe and Peter Vitale (manufacturer of pool tables). Rosman is also the home of businesses and local institutions containing Rosman in their name. Among such is the Rosman Diner. In addition, Rosman is home to the Rosman Baptist Tabernacle, the Rosman Church of God and the Rosman United Methodist Church, as well as the Victory Bible Baptist Church.

If the Commission allocates Channel 237A to Rosman, North Carolina, Chase will file an application for the new FM facilities to operate on Channel 237A at Rosman and, if it is authorized to construct those facilities, will build the station promptly.

² Moreover, this analysis assumes that the a maximum Class A facility can be constructed at SRC's proposed Dillsboro reference coordinates. As is demonstrated in the attached Engineering Statement, that assumption is suspect. Because of the mountainous terrain around the reference coordinates, a Height Above Average Terrain of 100 meters can only be achieved at the proposed reference coordinates if a tower of 1222 feet is constructed. The reference coordinates are located only 4.3 kilometers from the Jackson County Airport. As a result, it is highly unlikely that the FAA would approve the construction of the tower, even if the construction of such a tall tower for a Class A station were viewed as being realistic. If a more probable tower height of 300 feet is used, the coverage achieved by the proposed Dillsboro allocation decreases to 22,487 persons, i.e., more than 30,000 fewer people than would be served if Channel 237 were allocated to Rosman. *See Engineering Statement.*

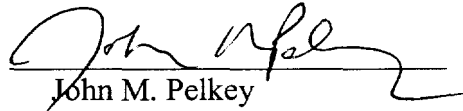
CONCLUSION

In summary, allocation of Channel 237A to Rosman would better serve the public interest than the proposed allocation of Channel 237A to Dillsboro. The proposed allocation at Rosman would permit a larger community to receive its first local aural transmission service and would permit a larger number of members of the public to receive additional service. Accordingly, Chase hereby respectfully requests that the Table of Allotments be amended as follows:

City	Present Allotment	Proposed Allotment
Rosman, North Carolina	None	237A

Respectfully submitted

CHASE BROADCASTING, INC.

By: 
John M. Pelkey
Its Attorney

Garvey, Schubert & Barer
1000 Potomac Street, NW
Fifth Floor
Washington, Dc 20007
202/965-7880
July 10, 2000

**Petition for Rule Making
to add FM Channel 237A
To Rosman, North Carolina**
July 2000

This Petition for Rule Making is filed on behalf of Chase Broadcasting, Inc. who wishes that FM Channel 237 A, 95.3 mHz, be allotted at Rosman, North Carolina.

From the geographic coordinates of North Latitude 35° 15' 13" and West Longitude 82° 57' 52" all allocation requirement are exceeded with one exception. This instant rule making request is being filed mutually exclusive with the request of Sutton Radiocasting Corporation to allot Channel 237 A at Dillsboro, North Carolina. Exhibit #1 is the Section 73.207 spacing study indicating no other allocation obstacles.

The allocation site proposed herein is 17.8 km and 313° from the center of Rosman. This site restriction is needed to be adequately spaced to WNKQ, Greeneville, TN and WNKS, Charlotte, NC. The allocation coordinates referenced above are on the crest of a mountain ridge. Because of the mountainous nature of the immediate terrain, the proposed coverage extends in the Rosman direction far greater than the normal Class A station in flat terrain. Exhibit #2 is the coverage from the proposed site. Rosman is well within the expected 70 dBu coverage. The supporting structure for the facility is contemplated to be 200 feet (60.9 meters) tall.

The 1990 Census indicates that Rosman has a population of 385 persons. 53,720 persons reside within the 60 dBu contour covering 2,809.39 square

kilometers from the allocation reference proposed herein. This is in contrast with the mutually exclusive petition of Sutton Radiocasting Corporation. The 1990 Census lists Dillsboro with a population of 95 persons. Using the geographic coordinates and the center of radiation above mean sea level found in the Sutton petition it was determined that Sutton will provide 60 dBu service to 48,868 persons in 2,868.46 square kilometers.

As one examines the Sutton proposal more thoroughly, negative aspects start to emerge. In order to obtain 100 meters height above average terrain, the Sutton Exhibit #2 indicates the center of radiation above mean sea level to be 1055.35 meters. The Sylva South Topographic Map indicates that the site elevation at the Sutton reference is approximately 2,240 feet (682.7 meters). Through simple arithmetic subtracting the COR AMSL from the site elevation proves that the requisite tower would be 376.2 meters or 1,222.6 feet tall. This is an extraordinarily tall tower for a Class A rule making.

The Sutton reference site has another negative aspect. The proposed 1,222.6 foot tower is 4.3 kilometers (2.67 miles) from the Jackson County Airport. To the knowledge of the undersigned, this airport has no instrument approach, but the visual approach is made difficult by the mountainous terrain. The addition of a 1,222.6 foot tower in the immediate vicinity of the county's only airport would surely face intense local opposition and potentially FAA opposition.

Chase Broadcasting, Inc. has made calculations based on the Sutton reference location utilizing a more conventional 300 foot tower for the Dillsboro proposal. This reduced facility more accurately replicates a real world Class A

broadcast station. The real world Sutton 60 dBu covers 860.91 square kilometers and 22,487 persons. The real world Sutton proposal covers far fewer persons and far less area than this Chase Broadcasting proposal. Even with this reduced height, there is great doubt that the FAA would ever approve a 300 foot tower within three miles of any public airport.

The City of Rosman is a city worthy of an FM allotment. The local government is comprised of a Mayor and City Council. The Mayor is Johnny Rogers. Local Rosman businesses include Joice Young Realty, D. H. Galloway Auto Parts and Convenience Store, Red Lion Inn (bed and breakfast), Jarretts Store (grocery and gas station), Becky's Café, The Rosman Diner and Peter Vitale (manufacturer of pool tables). Rosman is located at the intersection of U.S. Highways 64 and 178. Churches at Rosman include Rosman Baptist Tabernacle, Rosman Church of God, Victory Bible Baptist Church and Rosman United Methodist Church.

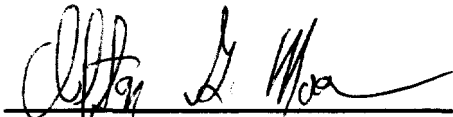
If Channel 237 A is allotted to Rosman, North Carolina, Chase Broadcasting, Inc. will file all requisite paperwork and forms to obtain the construction permit and license.

It is requested that the Table Of Allotments be changed read:

City	Present	Proposed
Rosman, NC	None	237A

Other than this one allotment, no other changes of the Table of Allotments are required.

All information contained here in thought to be true and correct to the
knowledge of the undersigned.

A handwritten signature in black ink, appearing to read 'Clifton G. Moor', written over a horizontal line.

Clifton G. Moor
Bromo Communications, Inc.

July 7, 2000

Bromo Communications Inc.
Atlanta Georgia
Chase Broadcasting Inc.
Rosman North Carolina

REFERENCE

35 15 00 N

82 57 37 W

CLASS - A

Current Spacings

DISPLAY DATES

DATA 07-03-00

SEARCH 07-07-00

----- Channel 237 - 95.3 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 237A	Dillsboro	NC	19.53	288.6	115.0	-95.47
WNKS	LIC 236C	Charlotte	NC	164.61	85.1	165.0	-0.39
WIKQ	LIC 235C	Greeneville	TN	94.84	14.7	95.0	-0.16
WBTS.C	CP 238C1	Athens	GA	149.46	213.6	133.0	16.46
WYFC	LIC 237A	Clinton	TN	132.53	314.0	115.0	17.53
WNKS.A	AUX 236C	Charlotte	NC	188.50	87.7	165.0	23.50
WBTS	LIC 238C1	Athens	GA	164.67	207.4	133.0	31.67
WCVFEM	LIC 240A	Robbinsville	NC	76.02	270.9	31.0	45.02
WALV	LIC 237A	Cleveland	TN	172.66	267.4	115.0	57.66
WALV.A	APP 237A	Cleveland	TN	186.82	266.3	115.0	71.82

Allocation Study

Marginal shortage to WNKS and WIKQ round to no shortage.

EXHIBIT #1

PETITION FOR RULE MAKING

Chase Broadcasting, Inc.

Channel 237 A - 95.3 mHz

Rosman, North Carolina

July 2000

BROMO BROADCAST
TECHNICAL CONSULTANTS
COMMUNICATIONS

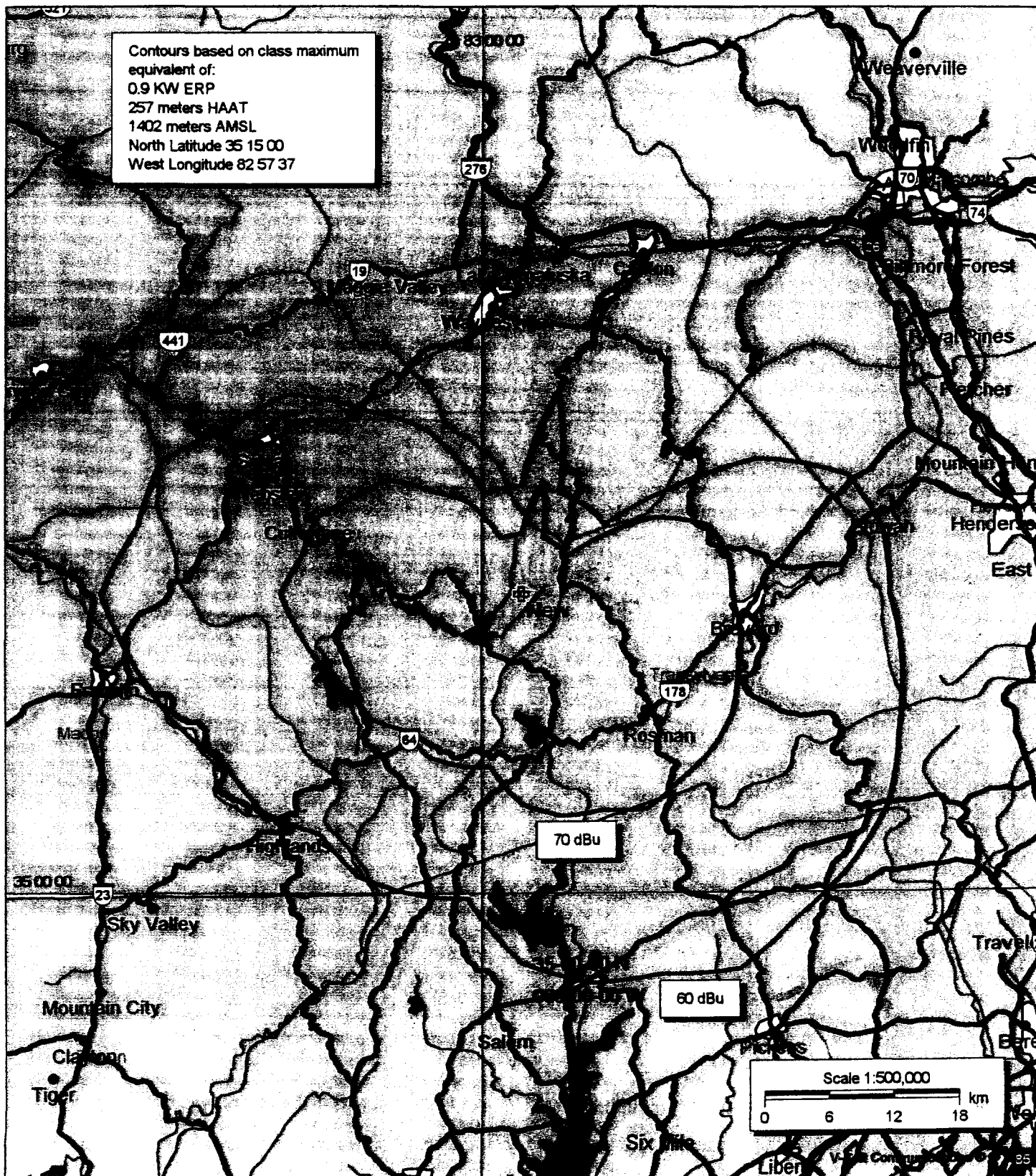


EXHIBIT #2
PETITION FOR RULE MAKING
Chase Broadcasting, Inc.
Channel 237 A - 95.3 mHz
Rosman, North Carolina

Bromo Communications, Inc.
 Atlanta, Georgia
 July 2000

CERTIFICATE OF SERVICE

The undersigned, an employee of Garvey, Schubert & Barer, hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

Patricia Chuh, Esq.
Pepper & Corazzini, LLP
1776 K Street, NW
Suite 200
Washington, DC 20006


Barbara L. Rascon

July 10, 2000